THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.4725 of 2003

Dated 06-04-2006

Between:

G.Seethapathi Reddy.

..... PETITIONER

AND

The Deputy Registrar of Co-operative Societies, Kadapa, Kadapa District.

.....RESPONDENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.4725 of 2003

O R D E R:

Against the surcharge notice issued under Section 60(1) of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), dated 12-11-2002, whereby two persons, including the petitioner herein, were asked to show cause, the present writ petition is filed alleging inherent lack of jurisdiction.

Petitioner's case, in short, is that under G.O.Ms.No.34, Food & Agriculture

(Co-op. IV), dated 18-01-1989, the competent authority to initiate action under Section 60(1) of the Act against employees of District Co-operative Central Banks is the Special Cadre Deputy Registrar of Co-operative Societies, working as District Co-operative Officers, and since the impugned show cause notice was issued by a Deputy Registrar of Co-operative Societies, who is not a Special Cadre Deputy Registrar of Co-operative Societies, the show cause notice itself is without jurisdiction.

Respondents, in the counter affidavit, contend that while the District Collector is the competent authority to initiate action against employees of District Central Banks, insofar as Primary Agriculture Co-operative Societies are concerned it is the Deputy Registrar of Co-operative Societies, who is the competent authority.

A perusal of the impugned surcharge notice, dated 12-11-2002, would reveal that action was sought to be initiated against two persons. The first, the Incharge Secretary of the Primary Agriculture Co-operative Society and the second, the petitioner herein, the then Branch Manager of Kadapa District Co-operative Central Bank. Whatever may be the action which the respondents are entitled to take against the other individual, insofar as the petitioner herein is concerned it is not in dispute that the show cause notice has been issued by an incompetent authority. The impugned surcharge notice dated 12-11-2002 is quashed on the ground of lack of jurisdiction. It is however made clear that this order shall not preclude the competent authority to take action, against the petitioner herein, in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

_____ 06-04-2006

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